

## **REMARKS**

In response to the Office Action mailed February 9, 2006, the Examiner's claim rejections have been considered. The claims have been amended to clarify the claimed invention and have not been made for reasons of patentability. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

### **1. Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-61 under 35 U.S.C. § 103(a) as being unpatentable over Monte Carlo in view of Kelly (US 5,882,258). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 1, 31, 60, and 61 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

With respect to claim 1, Applicants respectfully submit that the Monte Carlo reference and Kelly, either alone or in combination, fail to teach, suggest, or disclose “a group of matching pieces includes three or more adjacent game pieces having matching indicia.” (Support for the amendment to claim 1 is found in paragraph 9 of the specification.) In particular, the Monte Carlo reference teaches that “only pairs may be removed; if three cards of the same value are adjacent to one another, the player must choose two and leave the third to later.” Furthermore, Kelly does not make up for this deficiency since the Kelly reference is directed to a solitaire game or an “elevens” game where the player attempts to add the value of various cards to achieve a total value of 11. Accordingly, Applicants submit that the 35 U.S.C. §103(a) rejections to claim 1 and the related dependent claims have been overcome.

With respect to claims 31 and 61, Applicants respectfully submit that the Monte Carlo reference and Kelly, either alone or in combination, fail to fail to teach, suggest, or disclose that “after all matching adjacent game pieces that are perceived by a player are selected and removed, shuffling any remaining game pieces and presenting a new grouping of the remaining game pieces.” In sharp contrast, the Monte Carlo reference teaches that the two matching cards are

removed, the remaining cards are “moved up to fill the spaces,” and more cards are then dealt to restore the number of cards to twenty. That is, the Monte Carlo game requires that a set of 20 cards is always in play and that any removed cards are replaced to maintain a 20-card set. Additionally, Kelly does not make up for the deficiency of the Monte Carlo reference since Kelly does not teach, suggest, or disclose a matching game. Accordingly, Applicants submit that the 35 U.S.C. §103(a) rejections to claims 31 and 61 and their related dependent claims have been overcome.

With respect to claim 60, Applicants respectfully submit that the Monte Carlo reference and Kelly, either alone or in combination, fail to fail to teach, suggest, or disclose “deactivating the matching adjacent game pieces that are selected by a player.” As defined in the specification in paragraph 16, “deactivation of matching game pieces does not necessarily result in the removal of those game pieces from the gaming grid.” In sharp contrast, the Monte Carlo reference teaches that the matching cards are removed and makes no mention of deactivating matching game pieces. Additionally, Kelly does not make up for the deficiency of the Monte Carlo reference since Kelly does not teach, suggest, or disclose a matching game. Accordingly, Applicants submit that the 35 U.S.C. §103(a) rejections to claim 60 and its related dependent claims have been overcome.

**CONCLUSION**


Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1-61 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: May 2, 2006

  
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